

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KAMEL MAHGUB ELBURKI,

Defendant.

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Case No. 19-00406-01-CR-W-RK

ORDER

Pending is Defendant's Motion for Transport to Funeral. Doc. 364. Defendant asks this Court to enter an order directing the United States Marshals Service to transport him to the funeral for his wife. *Id.* at 1-2. In support of his motion, Defendant states the funeral will be "July 10, 2021 at 1:00 p.m. at [sic] the downstairs of Grace Church, 1915 N. Liberty St., Independence, MO 64050." *Id.* at 2. Additionally, Defendant states his family has arranged to pay the costs of the transport if necessary. *Id.* Both the Government and the United States Marshals Service oppose this request.

These are unfortunate circumstances, and the Court is sympathetic and respectful of the Defendant's loss. The Court is required, however, to consider the policy of the United States Marshals in these circumstances. Notably, Volume 5, Section 5.11-1(a)(3) of the Prisoner Operations Manual states:

- 3) U.S. Marshals are *not* authorized to permit the attendance of a Federal prisoner in USMS custody, or support the production of prisoners in other agencies' custody, at the funeral observances (religious or civil) for a deceased member of the prisoner's immediate family. The behavior of the prisoner, his or her family, and friends are likely to be governed by the emotional impact of such observances and the risk of escape or assaultive behavior is increased. The drain on available resources in order to properly secure such an environment is beyond the capability of most districts and the costs to the prisoner would be prohibitive.

(emphasis in original); *see also United States v. Glenn D. Rucker*, No. 20-00146-01-CR-W-HFS (W.D. Mo.) (Doc. 23 at 1). Because the United States Marshals Service is expressly prohibited from producing a prisoner for funeral services,

IT IS HEREBY ORDERED Defendant's motion is denied.

IT IS SO ORDERED.

DATE: July 7, 2021

/s/ W. Brian Gaddy
W. BRIAN GADDY
UNITED STATES MAGISTRATE JUDGE